



*Tallahassee-Leon County
Planning Department*

MEMORANDUM

To: Wayne Tedder, Director
Adam Antony Biblo, Senior Planner
From: Stephen M. Hodges, Senior Planner
Comprehensive/Environmental Planning
Date: September 2, 2004
Subject: Centerville Farms PUD Greenways Master Plan Review

I have reviewed this proposed PUD for compliance with the adopted *Tallahassee - Leon County Greenways Master Plan*, and provide the following findings and recommendations.

The following objectives should be fulfilled by the trails set aside or provided to implement of the Greenways Master Plan (GMP) in conjunction with the Canopy Roads system:

- 1) Trails shall be accessible to the public; this shall include pedestrians, bicyclists, and other self-propelled users.
- 2) Trails shall be designed, located, and constructed to minimize damage to any vegetation, particularly within the regulated Canopy Road Zone (100 feet on both sides of the centerline of Centerville Road).
- 3) Trails should be located as close to the roadway as possible to provide maximum visibility for public safety.
- 4) Trails shall be retained for public use. This may occur through conveyance via either fee simple transfer or easement inuring to Leon County; when provided via easement, the property owner retains fee simple control of the property, and if the easement provides public access and the trail is designated part of the State of Florida Greenway System, the property may be relieved of liability associated with trail use.
- 5) Trails shall be designed and constructed to a minimum width of 10 feet and shall have a firm and stable surface.
- 6) The property owner shall consult with staff regarding the appropriate design, location, and construction details for trails prior to their construction.

The *Greenways Master Plan* (GMP) has identified all Leon County Canopy Roads as an element of the Greenways System. The Centerville Farms PUD has set aside a 20 foot pedestrian trail easement along the portion of Centerville Road and Pisgah Church Road this development fronts. Although this is generally desirable and conceptually consistent with the GMP, the trail needs to be wider so that a greenway trail accessible to bicyclists, pedestrians, and other self-propelled users can be located

with minimal damage to any vegetation, particularly within the regulated Canopy Road Zone (100 feet on both sides of the centerline of Centerville Road).

The trail should be set aside in perpetuity. This is typically accomplished through conveyance of an easement. The optimal easement would include any area of the PUD within 100 feet of the centerline of Centerville Road, and an equivalent distance from the centerline of Pisgah Church Road. This easement should be written as a "trail easement" that references existing state law removing liability against any private property owner who allows the public access to his property as part of a state-certified greenway (or greenway trail). Staff has available a model trail easement that can be provided upon request. Such easements are in use elsewhere and have proven effective and legally defensible.

An easement coincident with the extent of the Canopy Road Protection Zone, as recommended, would not adversely impact the placement of any lots or streets within the PUD. Based upon the PUD layout, an easement of similar width along Pisgah Church Road, as recommended, would not adversely impact the placement of any lots or streets within the PUD.

Provision of a trail consistent with the objectives of the GMP provides a significant amenity for both Centerville Farms' residents and the general public, and if provided through the recommended easement mechanism, can be accomplished without liability for any such trail from Centerville Farms and its residents. At a future date, Centerville Farms may wish to have trail connections for its residents as well so that residents can access these trails.

An additional option is available for trails that implement the GMP. Talquin Electric has a powerline easement crossing the property from east to west. The GMP references publicly-owned powerline easements as potential greenway trails. The GMP does not reference private-owned utility easements such as those owned by Talquin Electric. It is not inconceivable that such easements could be used in the future, but the use of powerline easements -- as opposed to rights of way -- are problematic even for public utility providers, and would likely be more problematic for private utility companies. Nonetheless, an opportunity presently exists to provide a greenway trail along this easement to connect to points beyond the property. Extending such a trail connection beyond the boundaries of the Centerville Farms PUD would be dependent upon the willingness of the adjacent property owner(s). Although this would likely prove challenging, it remains desirable, as utility easements are typically open and free of large vegetation, making ideal trail locations. In response, the property owner could consider placing a trail easement on this utility corridor for the benefit of the future residents, and possibly the public at a future date.